HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.Nos.5302 and 6772 of 2006

Dt.25.4.2006

Between:

Y.Ramana Reddy … Petitioner

And

The Government of Andhra Pradesh,

Rep. By its Secretary, Industries and Commerce

Department, Hyderabad and others.

…Respondents

COMMON ORDER:

These two writ petitions have been filed to declare the proceedings Dt.10.2.2006 made in Roc.No.1201/2005-G2(R6&7) pursuant to the resolution No.5 dated 25.1.2006 of the District Level Committee, Guntur, for extending the sand quarrying lease in respect of Reach Nos.6 and 7, Kolluru and Juvvalapalem Village Limits, Kolluru Mandal, Guntur District, for the second year in favour of 4th respondent in W.P.No.5302 of 2006 and 5th respondent in W.P.No.6772 of 2003 respectively as illegal and contrary to the

judgment of this Court in W.A.No.2156 of 2005, dt.20.2.2006. The 4th respondent was the lessee in respect of the said sand quarry and the auction was conducted for one year only vide auction notification dt.6.2.2005 and the 4th respondent became highest bidder and the said lease was extended for one more year on Rs.88,44,000/- . It is stated that the lease was only one year and the renewal of the said lease for one more year is illegal and arbitrary and contrary to the judgment of this Court in the said W.A.No.2156 of 2005.

To verify the bona fides of the petitioner, while admitting W.P.No.6772 of 2006 the following interim order has been passed in W.P.M.P.No.8660 of 2006:

> "The petitioner submits that he is offering minimum bid of Rs.90 lakhs to obtain leasehold rights in respect of Reach Nos.6 and 7 of Kolluru and Juvvalapalem Village Limits, Kolluru Mandal, Guntur District for the lease period of 2006-2007. It is stated that the 5th respondent was a lessee for only one year and based on his letter dated 3.1.2006 the 3rd respondent is extending the lease period from 21.3.2006 to 21.3.2007 as per resolution No.5 dated 25.1.2006. Under Rule 9-B of A.P.Minor Mineral Concession Rules, 1966 leasehold right has been granted for a period of one year only by way of sealed tender-cum-public auction.
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> If that be so, the respondents have no power to grant lease after one year lease period without conducting public auction. The learned counsel for the petitioner relied on the judgment of this Court in W.A.No.2156 of 2005, dt.20.2.2006, which was confirmed by the Apex Court in SLP(C) Nos.4499 of 2006, dt.20.3.2006. The said resolution passed by the District Level Committee extending the lease for one more year in favour of the 5th respondent, prima facie, appears to be unjustified.
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> Having regard to the facts and circumstances of the case, if the petitioner deposits the sum of Rs.90 lakhs within one week from today, the 5th respondent shall not be allowed to quarry the lease operations in respect of the said reaches after the said deposit. The District Level Committee is authorized to conduct auction whoever offers highest lease amount on weekly basis over and above the average of Rs.90 lakhs, and if nobody offers the said proportionate higher amount of Rs.90 lakhs, the petitioner shall be given quarrying operations for the said reaches, pending further orders."

When W.P.No.5302 of 2006 came up for admission, this Court questioned the petitioner whether the petitioner is inclined to deposit the sum of Rs.88,44,000/- to interfere with the said action of the respondent and to verify the same, the matter was adjourned to 23.3.2006. But the petitioner is not inclined to deposit the said amount.

This Court insisted the petitioners to deposit the lease amount. But, none of the petitioners are inclined to deposit the said amount.

Counter affidavit has been filed by the contesting respondent stating that he became the successful bidder in respect of reaches 6 and 7 and the lease was confirmed in his favour for a period of one year which is extendable for further period on payment of additional amount and he has also deposited necessary amounts.

In view of the aforesaid facts and circumstances of the case, I am not inclined to pass any orders as the petitioners have failed to comply with the conditions imposed on them to deposit the said amount.

The writ petitions are accordingly dismissed. No costs.

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V.ESWARAIAH, J.

25.4.2006

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